

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CAROL LANNAN and ANN WINN, on behalf of themselves and others similarly situated,

Plaintiffs,

v.

LEVY & WHITE and ROBERT R. WHITE, ESQ.,

Defendants.

Case No. 1:14-cv-13866

PLAINTIFFS' STATEMENT OF MATERIAL FACTS FOR SUMMARY JUDGMENT

In accordance with Local Rule 56.1 and in support of their motion for summary judgment, Plaintiffs submit the follow statement of material facts:

1. The Statement of Claim filed by White against Carol Lannan stated that she "owes \$1,863.83 plus \$50 court costs ... for: ambulance transport of 5/25/11." Dkt. 35-2; Dkt. 9-2. Nothing in the Statement indicates that prejudgment interest is being claimed.
2. Defendant reached the figure of \$1,863.83 by calculating interest from the date Trinity provided ambulance service to Ms. Lannan. Dkt. 31-1, p. 4.
3. Additional interest from the date of entry to the date of judgment was later assessed against Lannan by the Lowell District Court. Dkt. 19 (Para 24). Exh. D to the FAC, Dkt. 9-4, line 6.
4. This additional interest included 'interest on interest.' Dkt. 19 (Para 24); Exh. D to the FAC, Dkt. 9-4, line 6 (showing Prejudgment interest of \$80.94 assessed by the Clerk on the amount stated in the Statement of Claim).
5. In October 2011, Carol Lannan first received an invoice demanding payment from Trinity EMS for an ambulance transport on May 25, 2011. Dkt. 19, paragraphs 17-18.

6. The invoice was dated October 14, 2011, in the amount of \$700.00, which included a \$753.00 write-off. Dkt. 19, paragraphs 17-18.

7. Including prejudgment interest in the Statement of Claim violated Small Claim Rule 2. Defendant's Responses to Requests to Admit #1, Dkt. 31-3.

8. The amount claimed in the small claims action against Winn included statutory prejudgment interest from the date of breach, as determined and calculated by Defendant. Dkt. 19, Para 30.

Dated: November 6, 2015

Respectfully submitted,

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic File (NEF) and paper copies will be sent to those indicated as non-registered participants on November 6, 2015.

/s/ Charles M. Delbaum
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